

NHSLC - BUREAU OF ENFORCEMENT - AGENDA
WEDNESDAY, JUNE 11, 2008

1. SUSPENSIONS:

a. Action Pending:

None

b. Licensees Suspended For Non-Payment of Fines:

None

c. Licensees Suspended For Non-Compliance of RSA 178:2 (Mandatory training within 45 calendar days of the issuance of liquor license):

None

2. LICENSEES WHO MAY BE ORDERED TO A HEARING

None

3. HEARINGS SCHEDULED FOR WEDNESDAY, JUNE 11, 2008:

None

4. HEARINGS SCHEDULED:

a. July 8, 2008 - 9:30 a.m. at NHSLC - Robert J. Hart Building,
50 Storrs Street, Concord, NH.
Cat 'N Fiddle, 118 Manchester Street, Concord, Nh.
Restaurant Full Service With Lounge License #271503.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage
to an underage person during a compliance check.
Date of violation: April 25, 2008.

5. HEARINGS WITH DATES TO BE DETERMINED:

None

6. PENDING CASES:

None

7. WARNING LETTERS/FINES:

a. Galley Hatch Catering Service, 200 Grafton Drive, Portsmouth, NH.
Sports Recreation Facility License #6003805.
Licensed under RSA 178:22, V(u).
Cited for violation of RSA 179:5, II - did allow an underage person to
possess or consume alcoholic beverage.
Date of violation: May 10, 2008.
Recommendation: \$500 Administrative fine, four (4) points assessed to the
liquor license, a three-day suspension of liquor license held in abeyance
for twelve (12) months pending no like violation, and mandatory attendance
at a Total Education in Alcohol Management (TEAM) seminar within thirty (30)
days of adjudication for all servers.

- b. Moose Club, 570 Park Avenue, Keene, NH.
Social Club License #22401.
Licensed under RSA 178:22, V(h).
Cited for violation of RSA 178:22, V (h)(1) - did fail to file club financial reports for November 2007, December 2007, January 2008, and March 2008.
Cited for violation of RSA 179:32, II - purchased beer from other than a holder of a wholesaler distributor license.
Dates of violations: February 22, 2008 and March 31, 2008, and March 4, 2008.
Recommendation: \$100 Administrative fine for each violation of RSA 178:22, V(h)(1) and a \$250 Administrative fine for violation of RSA 179:32, II for a total of \$650.
- c. Neutral Zone Sports Bar, 24 Mechanic Street, Farmington, NH.
Restaurant Beverage and Wine License #1016503.
Licensed under RSA 178:20.
Cited for violation of RSA 178:20, II and Liq. 503.04 - failed to have sufficient food available for service to 20 patrons; food was not prepared by Licensee; and Licensee did not hold themselves out to the public as a place where meals were regularly prepared and served.
Date of violation: May 16, 2008.
Recommendation: \$100 Administrative fine suspended for twelve (12) months pending no like violation, mandatory attendance at a Management Training Seminar (MTS) within forty-five (45) days of adjudication for all managers, and mandatory attendance at a Total Education in Alcohol Management (TEAM) seminar within forty-five days (45) days of adjudication for all servers.
- d. North of the Border Mexican Café,
1903 White Mountain Highway, Conway, NH.
Restaurant Beverage and Liquor License #1219303.
Licensed under RSA 178:21, II(a)(1).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Date of violation: May 5, 2008.
Recommendation: \$500 Administrative fine, four (4) points assessed to the liquor license, a three-day suspension of liquor license held in abeyance for twelve (12) months pending no like violation, mandatory attendance at a Total Education in Alcohol Management (TEAM) seminar prior to July 1, 2008 for all managers and servers; if the training requirement is not met by the date indicated, a three (3) day suspension of liquor license will be imposed, and mandatory attendance at a Management Training Seminar (MTS) for all managers by July 9, 2008.
- e. Rite-Aid, 356 Lafayette Road, Route 1, Hampton, NH.
Combination License #3095247.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an underage person.
Date of violation: May 23, 2008.
Recommendation: \$500 Administrative fine, four (4) points assessed to the liquor license, a three-day suspension of liquor license held in abeyance for twelve (12) months pending no like violation, mandatory attendance at a Management Training Seminar (MTS) within thirty (30) days of adjudication for all managers, and mandatory attendance at a Total Education in Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for all servers.

- f. Rite Aid Pharmacy, 6 South Main Street, Plymouth, NH.
Combination License #78447.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an underage person.
Date of violation: May 2, 2008.
Recommendation: \$3,000 Administrative fine with \$500 suspended for twelve (12) months pending no like violation, four (4) points assessed to the liquor license, and a fifteen-day suspension of liquor license with eight (8) days held in abeyance for twelve (12) months pending no like violation commencing June 16, 2008 with re-grant on June 23, 2008.

8. NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL

- a. Allstars Sports Bar/Dance Club, 920 Lafayette Road, Seabrook, NH.
Ballroom License #1151711.
Licensed under RSA 178:22, V(c).
Cited for violation of RSA 179:50, I - did allow an intoxicated person to loiter on the premise.
ADMINISTRATIVE FINE \$250 PAID.
- b. Allstars Sports Bar/Dance Club, 920 Lafayette Road, Seabrook, NH.
Ballroom License #1151711.
Licensed under RSA 178:22, V(c).
Cited for violation of RSA 179:20 - did allow an employee to consume alcoholic beverage while working.
ADMINISTRATIVE FINE \$100 PAID.
- c. Cumberland Farms, 772 Mast Road, Goffstown, NH.
Combination License #868947.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check 5/29/08.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- d. Derry Pizza & Restaurant, 111 West Broadway, Derry, NH.
Restaurant Full Service With Lounge License #1248603.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:5, I.
Compliance Check 5/30/08.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- e. Element Lounge, 1055 Elm Street, Manchester, NH.
Restaurant Full Service With Lounge License #1317103.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 178:22, V(q) - did fail to meet the food sales/alcohol ratio.
ADMINISTRATIVE FINE \$100 PAID.
- f. Goffstown Gulf Express, 566 Mast Road, Goffstown, NH.
Combination License #3210247.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check 5/29/08.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- g. Henhouse Sports Bar & Grill, 85 South Main Street, Newton, NH.
Restaurant Full Service With Lounge License #1248603.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:20 - did allow an employee to consume alcoholic beverage while working.
ADMINISTRATIVE FINE \$100 PAID.

- h. How Sweet It Is, 6 Main Street, Somersworth, NH.
Restaurant Beverage and Wine License #1349103.
Licensed under RSA 178:20.
Cited for violation of RSA 179:5, I.
Compliance Check 5/2/08.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- i. Mad Bob's Saloon, 342 Lincoln Street, Manchester, NH.
Restaurant Full Service With Lounge License #1337403.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 178:22, V(q) - did fail to meet the food sales/alcohol ratio.
ADMINISTRATIVE FINE \$100 PAID.
- j. Sabatino's North, 14 East Broadway, Derry, NH.
Full Service Restaurant License #1335703.
Licensed under RSA 178:21, II(a).
Cited for violation of RSA 179:5, I.
Compliance Check 5/30/08.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- k. Sarette's Corner Convenience, 680 Mast Road, Goffstown, NH.
Combination License #3077247.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check 5/29/08.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- l. Somersworth House of Pizza, 52 Market Street, Somersworth, NH.
Restaurant Beverage and Wine License #479803.
Licensed under RSA 178:20.
Cited for violation of RSA 179:5, I.
Compliance Check 5/2/08.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.

9. NEW LICENSES:

- a. Big Country Holdings LLC DBA Concord Grill,
1 Eagle Square, Concord, NH 03301.
To be issued Restaurant On-Premise Cocktail Lounge License #1353703 pursuant to RSA 178:22, V(q).
Recommendation: Approval.
- b. JBS & Sons Hospitality LLC DBA Hickory Pond Inn,
1 Stagecoach Road, Durham, NH 03824.
To be issued Restaurant On-Premise Beverage/Wine License #1359803 pursuant to RSA 178:20.
Recommendation: Approval.

10. REQUESTS FOR SOLICITORS/REPRESENTATIVE AND DIRECT SHIPPER APPLICATION:

- a. Ahnfeldt Wines LLC DBA Ahnfeldt Wines,
5225 Solano Avenue, Napa, CA 94558.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- b. Flemington Central Liquors, Inc. DBA Flemington Central Liquors,
8 Requille Avenue, Flemington, NJ 08822.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.

- c. Forman Vineyard/Chateau La Grande Roche,
1501 Big Rock Road, St. Helena, CA 94574.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- d. Grove Acquisition LLC DBA Grove Street Winery,
1451 Grove Street, Healdsburg, CA 95448.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- e. Hawkes LLC DBA Grove Hawkes,
6734 Highway 128, Healdsburg, CA 95448.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- f. J Pappademas Wines,
23 Egret Way, Mill Valley, CA 94941.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- g. James Leigh Cellars DBA JLC Winery,
124 Boeing Road, Walla Walla, WA 99362.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- h. Maysara Winery LLC,
15765 SW Muddy Valley Road, McMinnville, OR 97128.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- i. Nashoba Valley Spirits LTD DBA Nashoba Valley Winery,
100 Wattaquodoc Hill Road, Bolton, MA 01740.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- j. Rocky Creek Cellars,
8687 Apple Road, Templeton, CA 93465.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- k. Stag's Leap Wine Cellars LLC DBA Stag's Leap Wine Cellars,
5766 Silverado Trail, Napa, CA 94558.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- l. Ultra Bev Co. LTD Ptrship DBA Horizon Beverage Company,
10 Dunklee Road, Bow, New Hampshire 03304.
To be issued Liquor/Wine Vendor Off-Premise Wine/Liquor License #993245
pursuant to RSA 178:9.
Recommendation: Approval.
- m. Wooden Ships, Inc.,
300 Park Avenue, Garden City Park, NY 11530.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.

11. LICENSEE PETITIONS FOR COMMISSION APPROVAL:

- a. Bowl New England, Inc. DBA Yankee Lanes,
477 Park Avenue, Keene, NH 03431.
Sports Recreation Facility On-Premise Cocktail Lounge License #520505.
Licensed pursuant to RSA 178:22, V(v).
Requests approval for an outside area, to wit, an outside area appropriately
sanctioned off with a seating capacity of 40 pursuant to RSA 178:24 and
Liq. 404.05.
Recommendation: Approval.
- b. Brady's Bar & Grill, Inc. DBA Brady's American Grill,
225 Concord Street, Peterborough, NH 03458.
Restaurant On-Premise Cocktail Lounge License #1163203.
Licensed pursuant to RSA 178:22, V(q).
Requests approval for outside area, to wit, an outside tented area
appropriately sanctioned off on July 12, 2008 for a fund raising event
pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
- c. Daly Enterprises LLC DBA Black Cat Café,
17 Veterans Square, Laconia, NH 03246.
Restaurant On-Premise Beverage/Wine/Liquor License #1362703.
Licensed pursuant to RSA 178:21.
Requests approval for outside area, to wit, an outside patio with seating
for 22 patrons appropriately sanctioned off pursuant to RSA 178:24 and
Liq. 404.05.
Recommendation: Approval.
- d. Dianne Shaw DBA Nucklehedz Restaurant & Tavern,
192 Main Street, Somersworth, NH 03878.
Restaurant On-Premise Beverage/Wine/Liquor License #1354103.
Licensed pursuant to RSA 178:21.
Requests approval for outside area, to wit, an outside patio with seating
for 49 patrons appropriately sanctioned off pursuant to RSA 178:24 and
Liq. 404.05.
Recommendation: Approval.
- e. Errol General Store, Inc.,
76 Main Street, Errol, NH 03579.
Agency Store Off-Premise Liquor Only License #980704.
Licensed pursuant to RSA 177:9.
Requests approval for renewal of license, to wit, renewal of Agency Store
Off-Premise Liquor Only License pursuant to RSA 177:9.
Recommendation: Approval.
- f. J S E Enterprises LLC DBA Dover Mini Mart,
171 Silver Street, Dover, NH 03820.
Combination On-Premise Beverage/Wine License #3217247.
Licensed pursuant to RSA 178:18.
Requests approval to lease part of the premise, to wit, a portion of the
licensed building to Subway pursuant to RSA 179:48.
Recommendation: Approval.
- g. Imperial Buffet, Inc. DBA Imperial Buffet & Lounge,
154 Washington Street, Claremont, NH 03743.
Restaurant On-Premise Cocktail Lounge License #1301603.
Licensed pursuant to RSA 178:22, V(q).
Requests approval for outside area, to wit, the patio area appropriately
sanctioned off pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.

- h. Inn at Pleasant Lake Corp. DBA Inn at Pleasant Lake,
853 Pleasant Street, New London, NH 03257.
Restaurant On-Premise Beverage/Wine/Liquor License #1059203.
Licensed pursuant to RSA 178:21.
Requests approval for outside area, to wit, an outside tented area
appropriately sanctioned off on the dates requested from June 8, 2008 to
September 13, 2008 pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
- i. Ocean's 20 LLC DBA La Bec Rouge,
73 Ocean Boulevard, Hampton, NH 03842.
Restaurant On-Premise Cocktail Lounge License #1361203.
Licensed pursuant to RSA 178:22, V(q).
Requests approval for outside area, to wit, the patio area appropriately
sanctioned off pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.

MOTORCYCLE WEEK REQUESTS

- j. Broken Spoke Saloon, Inc. DBA Broken Spoke Saloon & Museum,
1072 Watson Road, Laconia, NH 03246.
Restaurant On-Premise Cocktail Lounge License #1264603.
Licensed pursuant to RSA 178:22, V(q).
Requests approval for authorization of other areas for Motorcycle
Week, to wit, an outside area from June 14, 2008 to June 22, 2008
appropriately sanctioned off in accordance with Laconia City Code
Chapter 195 contingent upon approval from the City of Laconia pursuant to
RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
- k. Hart's Restaurant, Inc. DBA Hart's Turkey Farm Restaurant,
233 Daniel Webster Highway, Meredith, NH 03253.
Restaurant On-Premise Cocktail Lounge License #242703.
Licensed pursuant to RSA 178:22, V(q).
Requests approval for authorization of other areas for Motorcycle
Week, to wit, a 40' x 70' area in front of the building from June 14, 2008
to June 21, 2008 appropriately sanctioned off pursuant to RSA 178:24
and Liq. 404.05.
Recommendation: Approval.
- l. JHL Restaurant Group, Inc. DBA Weirs Beach Lobster Pond,
70 Endicott Street North, Laconia, NH 03247.
Restaurant On-Premise Beverage/Wine/Liquor License #1351503.
Licensed pursuant to RSA 178:21.
Requests approval for authorization of other areas for Motorcycle
Week, to wit, a tented area in front of the building with a seating capacity
of 1,000 from June 14, 2008 to June 22, 2008 appropriately sanctioned off
in accordance with Laconia City Code Chapter 195 contingent upon approval
from City of Laconia pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
- m. LRM, Inc. DBA The Mug,
62 Daniel Webster Highway, Center Harbor, NH 03226.
Restaurant On-Premise Beverage/Wine/Liquor License #309503.
Licensed pursuant to RSA 178:21.
Requests approval for authorization of other areas for Motorcycle
Week, to wit, a tented area in front of the building from June 14, 2008
to June 22, 2008 appropriately sanctioned off pursuant to RSA 178:24
and Liq. 404.05.
Recommendation: Approval.

- n. Rigione's Galley Rest, Inc. DBA Rigione's Galley Restaurant,
405 Union Avenue, Laconia, NH 03246.
Restaurant On-Premise Cocktail Lounge License #1361203.
Licensed pursuant to RSA 178:22, V(q).
Requests approval for authorization of other areas for Motorcycle
Week, to wit, a 40' x 20' area in front of the building from June 13, 2008
to June 22, 2008 appropriately sanctioned off in accordance with
Laconia City Code Chapter 195 contingent upon approval from City of Laconia
pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.

12. COMMISSION DECISIONS PENDING:

- a. Capitol Grille, 1 Eagle Square, Concord, NH.
Restaurant Full Service With Lounge License #1050303.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage
to an intoxicated person.
Date of violation: August 16, 2007.
Recommendation: Settlement reached for a \$2,000 Administrative fine with
\$1,000 suspended for twelve (12) months pending no like violation the
license to sell alcohol shall be suspended for five (5) days with two (2)
days held in abeyance for twelve (12) months pending no like violation
commencing May 13, 2008 with re-grant on May 16, 2008, and four (4) points
shall be assessed to the liquor license.
**THE COMMISSION TOOK THIS MATTER UNDER ADVISEMENT FOR FURTHER REVIEW AND
DETERMINATION ON MAY 7, 2008.**
- b. Haluwa Restaurant, 44 Gusabel Avenue, Nashua, NH.
Restaurant Full Service With Lounge License #116503.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage
to an intoxicated person.
Date of violation: January 11, 2008.
Hearing held February 25, 2008.
Commission Decision dated March 14, 2008: An Administrative fine of \$1,000,
four (4) points assessed to the liquor license, and the license to sell
alcoholic beverages suspended for three (3) consecutive days.
The Licensee filed a Motion for Re-hearing on April 8, 2008.
The Bureau of Enforcement filed its Objection to Motion for Re-hearing on
May 6, 2008.
- c. Henniker Junction Restaurant, 24 Weare Road, Henniker, NH.
Restaurant Full Service With Lounge License #1167803.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:50, II - did allow the premise to be used for
any purpose that was contrary to law.
Date of violation: February 7, 2008.
Hearing date: April 23, 2008.

13. COMMISSION DECISIONS AFTER HEARING:

14. MISCELLANEOUS ITEMS:

- a. Donna Wheeler Rest LLC DBA Malarkey's Bar & Grill,
11 Wilton Road, Milford, NH 03055.
Restaurant On-Premise Beverage/Wine/Liquor License #1262203.
Licensed pursuant to RSA 178:21.
Requests approval for outside area, to wit, the outside area approximately
50-60 feet away from the licensed premise appropriately sanctioned off; it
is necessary to pass through the parking lot in order to access this
extension pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approve.
**TABLED BY THE COMMISSION ON MAY 28, 2008 UNTIL FURTHER INFORMATION IS
RECEIVED FROM THE TOWN OF MILFORD.**

- b. Questions from Auditing regarding the collection of taxes at NH wineries as
follows:
1. 5 % tax on all retail sales at the winery and farmer's markets.
 2. 5% tax on wholesale sales to NH Licensees for resale.

Taxes are not being collected on sales to the NH Liquor Commission, on sales
to out-of-state vendors, and on product used for tasting at the winery. Is
this correct based on your reading of the statute?

Taxes are being collected on product used for sampling and tasting outside
the winery and on products shipped directly to out-of-state consumers or
retail businesses (direct shipments). Is this correct procedure as you read
the law?

Does this agree with your reading of the winery statute or are there are
areas of concern? I am requesting a review due to the increase in direct
shipments to out-of-state individuals and businesses which are outside the
normal wholesale channels.

**TABLED BY THE COMMISSION ON MAY 28, 2008 UNTIL CHAIRMAN BODI IS PRESENT FOR
DISCUSSION.**

15. EXECUTIVE SESSION ITEMS: